
BOARD OF SELECTMEN

MEETING MINUTES

9/8/09

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and CAFO Kerry Speidel present. Meeting opened at 7:00 P.M. with the Pledge of Allegiance

PUBLIC DISCUSSION

Curtis Benoit, Lot #38, 1790 Mass. Ave. (Meadow Woods) introduced Missy Slattery of Lot 37, 1790 Mass Ave. as they wanted to inform the board that they've been going through their insurance company dealing with the outstanding construction issues as her service lines were cracked which amounts to about \$1,800. Also, noted that her driveway was torn apart and not repaved. Kerry will send someone out to her lot to review with her tomorrow morning.

Curtis also informed the board that a letter was sent to all the residents disclaiming any liability to damaged property and this was also sent to the court. Also noted that there has been a smell that's been emanating from lot #34 where the (septic) tank is still intact, presented vials of water from before and after the property, can see that the tank is undermined and when it rains, the water goes into the tank and seeps out. This has been identified and forwarded to the DPW Director.

Dave questioned if the reciever has been involved with these issues and per Kerry, he has been somewhat involved more from a coordinated aspect.

ANNOUNCEMENTS

1. Household Hazardous Waste Day - scheduled for Saturday, September 26, 2009, 9:00 AM - 1:00 PM, Lunenburg, DPW, 520 Chase Road, open to anyone, small business, and non-residents. Fee varies depending on volume & items, recommend that people pre-register through the web-site, www.MassToss.com or by contacting Tessa David at 978-660-6130.

Also, the Lunenburg Ayer Shirley Regionalization Planning Board announced that they will not be moving forward as there is no funding available. May come back in early spring, as it stands right now they'll be no further action.

APPOINTMENTS

None

CURRENT BUSINESS

1. CAFO Updates

Permanent financing for Meadow Woods Water and Sewer Project, Bond Counsel has requested the board revoke the sewer and water bond authorizations as the interest tables were calculated incorrectly in the debt service schedule, therefore a new vote needs to be taken accordingly. Steve as Clerk of the Board of Selectmen read the vote into the record as follows:

I, the Clerk of the Board of Selectmen of the Town of Lunenburg, Massachusetts, (the "Town") certify that at a meeting of the board held on September 8, 2009, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appears upon the official records of the board in my custody:

Voted that the Town accept the following revised debt service schedule for the 4.375 percent sewer bond of the Town dated June 23, 2009, \$1,711,000 Sewer Bond payable in annual installments representing both principal and interest of \$93,164.00 on June 23 in each of the years 2010 through 2046, and \$92,902.16 in the year 2047, to the United States of America, acting through the Rural Utilities Service, USDA, at par and accrued interest. Further Voted that the Town accept the following revised debt service schedule for the 4.375 percent water bond of the Town dated June 23, 2009, \$1,153,000 Water Bond payable in annual installments representing both principal and interest of \$62,781.00 on June 23 in each of the years 2010 through 2046, and \$62,593.80 in the year 2047, to the United States of America, acting through the Rural Utilities Service, USDA, at par and accrued interest.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the bond were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with M.G.L. c.39, s.23B as amended. Dave motioned to approve, Steve seconded, voted unanimously. Dated: September 8, 2009, Steve deBettencourt, Clerk of the Board of Selectmen.

- Jeff Ugalde, Treasurer/Tax Collector has informed Kerry that he will be starting on September 28th and Nancy Strom, IT Director will begin on September 14th.
- Kerry will be attending Unitil's Annual Municipal Storm Meeting that is scheduled for tomorrow at 12:00 PM with Chief Glenn and Chief Bourgeois. Unitil will be providing updates on their electrical system initiatives and reliability, storm emergency plan and safety. Chair would like to request an updated version of the Unitil Disaster Management Plan.
- Storm debris clean up is completed; \$607,610.76 is the estimated final debris removal expenses. Kerry is currently reviewing the liquidated damages clause and will be going back to review whether we provided an estimate of cubic yards on private property. Concern is if we presented that the project was much smaller, not sure if it makes sense to charge the liquidated damages if the project was three times what was estimated. She will provide an update within next two weeks and will also email the summary sheet to board. Dave questioned how this impacts the budget and per CAFO, we will be reimbursed for the larger share of this. According to information that we have received from the state we should plan on receiving the 25% reimbursement between FY'09 and FY'10 as they are waiting for the final amounts. May end up being a part of the FY09 deficit that will have to be carried over to FY10.

2. Minutes – Board of Selectmen Regular Session for 9/1/09 reviewed and signed.

Warrants - #12 10, 9/8/09 - \$1,003,461.90 reviewed and signed.

Action File Issues – Paula requested an update on a drainage issue that was in the action file, 780 West Street; CAFO will provide.

Chair informed the board that he will be attending the public hearing at the State House in Boston on Wednesday, September 9, 2009 at 10:00 AM, Room A-1, to speak in support of Bills H3087 and S1527 before the Legislature's Joint Committee on Telecommunications, Utilities and Energy. There will be a number of individuals that are expected to speak at the hearing that represent government, public safety, business (including manufacturing) and citizens about the need for electrical choice in the state of Massachusetts. He will report back to the board.

Contracts - None

3. Unitil Vegetation Management Plan – Peter Powers from Asplundh Tree Service was present on behalf of Unitil and informed the board that Mark Frappier (Unitil representative) is not present as he is still working on the answers to the questions that the board has previously asked. Peter informed the board that the document that is produced and placed on the residents property are issued by Unitil and this is their policy. Dave questioned the 8ft ground to sky clearance, the language on the door hanger doesn't apply and would like clarification on your understanding from Unitil.

Per Peter the card illustrates the maintenance schedule, what we're doing is utility trimming. A majority of the trees that are being removed are being done at the homeowners request.

Chair questioned why they've chosen the area that they're working on right now, are these enhanced roads, how was this decided. Per Peter this was based upon the outage data and information from the Fire Chief to determine the four roads. Discussed the fact that Unitil is trying to catch up with the tree trimming versus eliminating full hazards. Lower branches will not survive with the tree tops being topped off to the degree that is necessary. Paula's concern is whether the 8 foot ground to sky is reasonable, or too drastic a measure. If there is a vegetated management plan it needs to be followed, and on the scenic roads where do you go from here, were you given approval from the scenic road committee (Planning Board). Per Peter, Leominster Road was pushed back until November / December as we have to trim to a lateral, they are not looking to take any tree out unless it's severe. Will need the approval of the full committee. Peter would rather see the scenic roads put on a two year schedule as the maintenance wouldn't be as drastic as you're seeing this year by promoting the growth away from the lines. There are approximately 469 customers on Reservoir Road and over 300 have given permission right away, many homeowners want the full 8 feet of trimming as they want no possible hinderance on the power line. There was no stipulation as Reservoir Road is not a scenic road; it is an open three phase electric line, and they (Asplundh) are currently at 30% clearance.

Chair noted for the public that Unitil was invited and as this is many weeks after our initial request they still are not here to explain the policy that they've chosen. He believes that they've implemented a policy that is much more than is necessary, would rather see a more managed approach on vegetated management.

According to Peter PS&H (electric utility) in NH, has a 6 to 8 year cycle, where every 6 to 8 years the growth will have been trimmed out throughout the system. Three phase is 6 years, secondary lines are 8 years, however this year many utilities are behind 3 to 4 months due to the trimming necessary as a result of the ice storm.

Steve noted that Unitil's cycles have been more than 6 years, questioned if this is why the drastic 8 foot clearance is being done. Per Peter this allows us more time in a sense to catch up.

Paula would like a letter sent to Unitil to discuss tree clearing and request that they furnish their vegetated management plan and need to look at what other utility company's are doing and what their procedures are particularly before we agree to move forward with Unitil's vegetated management plan. Tom A. would like the board to review the policy example that was forwarded to board member

and perhaps look at the option of adopting a bylaw such as the Town of Sandwich has adopted. We're dealing with a company that we want them to explain why certain policies are chosen and why others are not. Would like to know that what they're cutting now is needed and why it is needed.

Peter informed the board that his representatives are now meeting with the property owners and is how he is moving on from here. He is now using flagging with the homeowner and is in the process of discussions with the homeowners guidelines. Trying to portray the best possible methods are being used. Noted that they have also implemented using a carbon copy permission form version that the homeowner signs and identifies the species of trees to be removed, location etc.

OLD BUSINESS

1. Committee Updates - none

2. CAFO Goals - Chair forwarded his notes for the board to review. Dave noted that there are still a number of goals from last year that for whatever reason should be carried over. Chair noted the three main goals appear to be; one the website, two the continuation of department matrix's, which will define how well the departments are doing or not, and three personnel matters, the review with the Personnel Board the Salary Administration Plan, salary qualifications etc.

Tom M., number one concern is the website and is still appropriate at this time as the current one is difficult to use and cumbersome. Agree with personnel, also use of town owned properties, miscellaneous updates and keeping the board informed that issues haven't fallen off the table. Chair will formulate a goal package to present next week based upon the board's input.

Paula would like to see the performance based budgeting and maybe this is an ongoing project; Chair noted that the current CAFO realizes that this is an ongoing project/process.

Steve questioned if the town should be considering outsourcing services, and whether we should look at all aspects realizing that we have lost some positions and may be losing more in the future.

CAFO informed the board that within a couple of days we expect to be awarded a regional grant for investigating regional dispatch.

3. Meadow Woods - Tom A. forwarded an email from Robert Goynyor last week in which he's requesting the town consider the upcoming housing court hearing as a way to expedite removing the Meadow Woods property from receivership. Per Chair, he intends to honor the agreement that was signed and has no inclination to revisit the terms of the agreement at all. Dave concurs and would rather let the year run out and follow the original agreement. Per Chair, the agreement states that we will revisit in one year, not that it will come out of receivership in one year. Board concurred and CAFO will notify Mr. Goynyor of the board's intention. Steve requested that all members receive a copy of the agreement so that we can understand what the specific terms are from the court.

Paula questioned whether we've received any information as to what the outstanding issues are currently at Meadow Woods. As Kerry has just today received, she hasn't had the opportunity to look through it, and will provide to the board next week. This will also include a timeline as to corrective measures.

4. Policies & Procedures – tabled, need to schedule workshop. Board would like to know the topics as far as how categorized. CAFO recommend putting this on to September 22nd. Provide copies of other town's policies and procedures where we are always discussing not trying to reinvent the wheel. Need a starting point as to what we want to address. Board would like to have copies of their current policies and would like to review a draft of what was circulated at the time. Kerry noted that the board should keep in mind that other communities have their own Charters and the board will have to keep this in mind while reviewing these documents.

COMMITTEE APPOINTMENTS / REAPPOINTMENTS / RESIGNATIONS

1. Present Sharon Yousey - Chair Lunenburg Cultural Council came before the board to present Mary Ann Sudolnick and Robin Corbett. Sharon would like to recommend their appointments.

Mary Ann Sudolnick, 247 Highland Street, been involved on a number of boards, town historical plaque association, involved with the arts and would like an opportunity to serve the community to ensure that we as a town will receive the money that we deserve from the state.

Robin Corbett, 32 Sunset Ave., interested in helping, currently on the Board of Directors of the Guild Dancers, Friends of the Library and would like to help out the town so that these types of groups can continue.

Sharon informed the board that there is still one vacancy and would hope to bring more candidates to the board. Tom M., motion to appoint Mary Ann Sudolnick and Robin Corbett to the Lunenburg Cultural Council, Paula seconded, voted unanimously.

EXECUTIVE SESSION

1. Contract Negotiations –

Being no further business board voted unanimously to adjourn Regular Session at 8:45 P.M. to enter into Executive Session for the purpose of contract negotiations.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant, Board of Selectmen